GOVERNEMNT OF ANDHRA PRADESH
ABSTRACT

Home Department – Appeal Petition of Sri G. Anthony Rao, Ex-Junior Assistant, CID, Andhra Pradesh - against the punishment of Removal from Service – Appeal allowed - Reinstatement into duty - with reduction of Time Scale of Pay by Three (3) stages - Orders – Issued.

HOME (SERVICES-III) DEPARTMENT

G.O.MS.No. 85 Dated: 11-07-2016

Read the following:-

1. Proceedings of the Addl. DGP., CID, A.P. D.O.No.1018/2010 in Rc.No.05/PR/CID/2009, dt:25.10.2010.
2. Orders of APAT dt:18.02.2016 in O.A.No.568/2016 filed by Sri G. Anthony Rao, Ex. Junior Assistant.
3. Appeal petition dt:04.03.2016 filed by Sri G. Anthony Rao, Ex. Junior Assistant.

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ORDER:

In the proceedings 1st read above, Sri G. Anthony Rao, Junior Assistant, CID, has been removed from service w.e.f. 13.10.2007 for his unauthorized absence, duly holding an enquiry under Rule 20 of APCS (CC&A) Rules, 1991.

2. Aggrieved by the above, Sri G. Anthony Rao, filed an application (OA) No.568/2016 in the APAT. At the admission stage itself, his application was dismissed, by observing that the alternative remedy of filing an appeal before the Appellate Authority was not utilized and hence the application is not maintainable in view of section 20 of the Administrative Tribunals' Act, 1985.

3. Based on the above orders of APAT, Sri G. Anthony Rao, Junior Assistant, (under removal) has filed the present appeal before Government stating that he was sick and suffering from the disease "Spring poly Radiculopathi" and has taken medical treatment w.e.f. 13.10.2007 to 13.10.2010 and requested for sanction of medical leave from his office. However, the same was not sanctioned and the authorities have removed him from service without following due procedure in accordance with Rule 20 of APCS (CC&A) Rules, 1991. He further stated that he was under medical treatment till the end of 2015 and approached the Tribunal along with condonation delay petition and filed the OA which was dismissed by observing that the OA is not maintainable for not availing alternative remedy under Rule 33 of APCS (CC&A)Rules, 1991.

4. The Applicant in his appeal has also stated that the punishment of removal is too harsh and disproportionate to the alleged charge of absence from duties which is not true to the facts brought out by him and further stated that he was appointed as Junior Assistant on compassionate grounds and there is no other source of income for his livelihood. That he is spending huge amounts on his health and removing him from service on the ground of absence from duties is unjust and inhuman without considering the circumstances of his absence. He has therefore requested the Government that his appeal may be considered based on merits without insisting for delay, since the delay is condoned by the Hon'ble APAT.

5. Government after careful examination of the appeal and the circumstances leading to his removal from service, hereby allow his appeal petition. He is reinstated into service with reduction of Time Scale of Pay by Three (3) stages. The out of employment period i.e., from the effective date of removal to his date of joining duty shall be treated as 'not on duty'.

6. The Additional Director General of Police, CID, Andhra Pradesh is requested to take necessary follow up action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

A.R. ANURADHA
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Additional Director General of Police, CID, Andhra Pradesh, Hyderabad.
The Director General of Police, Andhra Pradesh, Hyderabad.
Sri G. Anthony Rao, Ex - Junior Assistant, CID, LIG – 426,
Bharath Nagar Colony, Ranga Reddy District, Hyderabad – 500018.
SF/SC.

//FORWARDED::BY ORDER//

SECTION OFFICER